

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY,

Defendant.

CIVIL ACTION NO. 04 12258-JLT

**NOTICE OF MOTION BY EIGHTSTAR FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 56, Defendant EightStar Diamond Company ("EightStar") hereby serves notice that it will file a Motion for Summary Judgment in the above mentioned matter. In accordance with that local rule, EightStar will file the Motion on March 10, 2006. Attached to this Notice is EightStar's Memorandum in Support of its Motion.

EIGHTSTAR DIAMOND COMPANY

MILLER NASH LLP

/s/ James Phillips

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Dated: March 10, 2006